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Attorneys for Official Committee of  
Unsecured Creditors

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:	)	Bankruptcy No. 02-22906 GEC
	)	(Chapter 11)
SIMON TRANSPORTATION SERVICES INC.	)	[JOINTLY ADMINISTERED]
and DICK SIMON TRUCKING, INC.	)	
	)	Judge Glen E. Clark
Debtors.	)	
	)	

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**COMMITTEE OF UNSECURED CREDITORS' OMNIBUS OBJECTION  
TO PRIORITY STATUS OF CLAIMS**

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The Official Committee of Unsecured Creditors (the "Committee"), by and through its counsel, Fabian and Clendenin, submits this omnibus objection (the "Objection") to those claims filed by certain unsecured creditors set forth herein that were filed as priority claims. The Committee seeks to have the Court disallow the priority status of each of the claims set forth herein pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure. In support of the Objection, the Committee represents as follows:

1. Debtors Simon Transportation Services, Inc., and Dick Simon Trucking, Inc. (collectively referred to herein as “Debtors”) commenced the instant chapter 11 bankruptcy matters by filing petitions for relief on February 25, 2002.

2. Debtor Simon Terminal filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code on March 25, 2002.

3. Prior to confirmation of the Amended Joint Plan of Liquidation in this case, the Debtors’ cases were jointly administered by this Court.

4. Pursuant to Section 6.3 of the Joint Plan of Liquidation dated December 27, 2002, and the Order Confirming Amended Joint Plan of Liquidation dated March 11, 2003, the Committee is vested with all of the Debtors rights under Chapter 5 and Chapter 3 of the Code.

5. Pursuant to Sections 105 and 1142 of the Bankruptcy Code, 28 U.S.C. § 157 and 1334, the Bankruptcy Court retains jurisdiction over all matters arising out of, and related to, the Chapter 11 Cases and the Plan to the fullest extent permitted by law, including, without limitation, jurisdiction to allow, disallow, determine, liquidate, classify, estimate or characterize any claim or interest.

6. The Committee now objects to the status of those claims set forth herein that were filed as priority claims.

7. The total amount of allowable priority claims is at issue in various aspects of the administration of this bankruptcy case, and the Committee believes it is in the best interests of the estate and creditors of the estate to determine the priority status of claims at this point.

8. The Committee expressly reserves the right to further object to the claims listed herein and any other claims filed on both substantive and procedural grounds. This objection is

simply to seek reclassification of those proofs of claims listed below by name, claim number, and amount, from priority status to non-priority status.

9. The following list represents claims which were filed as unsecured priority claims, but which fail to give a sufficient basis (or in most cases any basis) for their request for priority status.

<u>Claim Number</u>	<u>Creditor Name</u>	<u>Claim Amount</u>
578	21ST CENTURY INSURANCE COMPANY	\$3,048.48
475	A-1 WINE GRAPES	\$3,075.00
66	A-C ELECTRIC INC	\$371.78
998	ADELAIDA REYES	\$100,000.00
380	Al' Towing	\$657.00
656	ALBERT W. NARANJO	\$16,036.42
531	AMERICAN FAMILY INS.	\$909.38
198	AMERICAN FAMILY INS.	\$416.32
482	AMEX ASSURANCE	\$6,446.59
579	Arrow Turcking Co.	\$2,535.50
580	Arrow Turcking Co.	\$1,197.67
469	Auto Accident (Unknown Creditor)	\$4,471.00
483	B & L TRAILER SALES	\$1,855.83
997	BAIDA REYES	\$100,000.00
1004	Baida Reyes	\$100,000.00
874	BLAKE SMITH	\$0.00
173	BOZICK DISTRIBUTORS INC	\$1,200.00
737	BURGETT & ROBBINS	\$200,000.00
811	C & H MEDICAL SOLUTIONS	\$350.00
812	C & H MEDICAL SOLUTIONS	\$250.00
225	CARRIER INC	\$3,955.57
999	CECIL CRUSE FAMILY TRUST	\$3,550.44
134	COLUMBUS POWER BRAKE SERVICE	\$269.66
553	Combined Transport Inc	\$1,959.88
536	Compagnie Canadienne D'Assurances General Lom	\$5,347.67
412	Continental Western Group c/o Terry Burkle	\$2,693.08
339	COUNTRY FINANCIAL INSURANCE SERVICES	\$10,918.78
882	DAIMLER CHRYSLER SERVICES	\$154,875.00
929	DANIEL L JOHNSTON	\$1,742.33
511	Data Inc.	\$20.00
175	DAVES TOWING SERVICE INC	\$0.00
465	DELYNN BARROWS	\$460.96
113	DFW FLEET SERVICES	\$1,911.23
146	DFW FLEET SERVICES	\$1,911.23
376	Diversshield Com FS Corp	\$4,089.51
361	DW'S SPOTTING SERVICE	\$9,191.00

462	EASTGATE TRAVEL PLAZA	\$880.43
368	EDWIN CARNEY, ESQ.	\$1,367.75
374	El Paso Times	\$754.71
819	ELITE TRANSPORTATION	\$2,225.25
850	ENTEPRISE LEASING COMPANY	\$3,059.97
614	EZ GLASS	\$351.78
861	F.L. ROBERTS CO., INC.	\$3,194.33
684	Frontier Adjusters of Las Vegas	\$407.63
456	Gearjammer Truck Plaza	\$1,673.81
743	GENESIS INSURANCE CO.	\$294.63
33	GLEN'S MOBILE REPAIR	\$569.60
724	Houston West Travel Center	\$827.66
972	Integrated Mail Industries	\$279.31
320	J.J. KELLER & ASSOCIATES	\$37,422.57
995	Jane Urban	\$250,000.00
943	David Bath, Attorney at Law	\$250,000.00
149	JCS ENTERPRISES INC	\$120.00
758	Jennifer C. Landry	\$2,000,000.00
59	JOHNSON AND RAIN TREE PREMIUM	\$651.76
295	Karen A. Pendlay	\$694.94
20	Karen M Salter	\$1,000,000.00
629	KEITH OWEN JIBBEN	\$3,695.19
247	KINDSVATER REFRIGERATION	\$2,834.57
246	KINDSVATER REFRIGERATION	\$4,088.48
548	Koester Body & Frame Shop	\$131.30
1008	Kristin Bassett	\$100,000.00
1001	LAKE CITY INTERNATIONAL	\$33,791.75
317	LARSEN FARMS	\$7,575.00
884	LYN SIMON	\$4,650.00
973	MARTHA WILLIAMS	\$1,765.03
604	MARTEN TRANSPORT	\$9,460.61
601	MARTEN TRANSPORT	\$294.63
603	MARTEN TRANSPORT	\$2,331.15
742	GENESIS INSURANCE CO.	\$2,331.15
650	MARTIN TRANSPONT, INC.	\$1,981.66
778	MELISSA D CAUDLE	\$18,666.64
720	MELISSA D CAUDLE	\$18,666.67
759	US EQUAL EMPLOYMENT	\$31,016.00
933	Michael J. Lewis	\$97,000.00
184	MINUTEMAN TOWING	\$151.58
103	MOCO TRANSPORTATION CO INC	\$1,940.44
421	NO NAME	\$3,014.70
673	NORTHLAND INS CO A/S/O	\$4,019.85
609	NORTHLAND INS CO A/S/O	\$2,390.55
22	ORVILLE SCHUCKNECHT	\$750.00
309	OUTSOURCE FLEET SVC	\$309.60
57	PARCO FOODS LLC	\$329.04
222	PAYLESS TAXI	\$16,427.00

925	PENNY KNAPP	\$793.04
340	PHILLIP ZIMMER	\$334.06
280	PREFERRED CARTAGE SERVICE	\$405.00
672	PRIME INDUSTRIES	\$6,224.40
102	PROFRESH LLC	\$670.00
65	Property Damage Appraisers	\$382.24
534	Property Damage Appraisers	\$3,809.45
476	Property Damage Appraisers	\$1,200.00
451	Property Damage Appraisers	\$173.80
372	RAWLE & HENDERSON	\$2,245.26
885	RICHARD D SIMON	\$4,650.00
597	Richard Martinez	\$50,000.00
203	RN Results	\$1,264.20
205	RN Results	\$787.50
204	RN Results	\$622.50
183	RON'S TEXACO	\$250.00
406	RYAN PACKER	\$603.14
484	S & S AUTOMOTIVE	\$357.00
551	Safeco Ins. Co	\$5,167.91
322	SALT RIVER PROJECT	\$1,108.05
563	SAPUTO CHEESE USA	\$257.60
455	SCANWARE, INC.	\$10,125.00
886	SHERRY L BOKOVOY	\$4,650.00
683	Shirley Campbell	\$28,314.00
155	SIMPSON WOOD PRODUCTS INC	\$228.59
171	SKINNER SHAG SERVICE INC	\$408.42
670	SOUTHERN CALIFORNIA EDISON	\$4,547.23
327	Southern Farm Bureau Casualty Insurance	\$5,473.82
796	ST FRANCIS	\$197.53
311	STATE AUTO COMPANIES	\$6,232.54
849	STATE FARM INSURANCE	\$3,087.97
712	TAYLOR & MARTIN, INC.	\$21,517.55
144	THE TRUCKER	\$6,380.00
809	THE WILBER LAW FIRM	\$9,285.22
367	THOMAS J ROMAN ESQ	\$100,000.00
814	TRANSPORTATION REPAIRS	\$257.50
	UTILITY TRAILER SALES OF CENTRAL	
44	CALIFORNIA INC	\$329.68
179	VECTOR TRANSPORTATION	\$5,518.00
855	WESTERN PACIFIC TRUCK	\$4,000.00
863	WESTERN PACIFIC TRUCK	\$4,000.00
528	WHEELER COUNTY ROAD DEPT.	\$300.00
163	WILLOW EXPRESS LTD	\$355.91
471	WOOD COUNTY TELEPHONE CO	\$12,347.45
736	WRIGHT OIL TIRE CO	\$4,431.57

10. The Committee has reviewed the foregoing claims, and asserts that the proofs of claims and accompanying attachments do not state the basis for any priority.

11. The Committee objects to the claims as priority claims and requests that the claims be reclassified as general unsecured claims. The Committee reserves the right to file additional objections to these claims.

WHEREFORE, the Committee requests an order:

- A. Reclassifying the claims set forth in paragraph 9 above as non-priority claims, and reserving any other objection the Committee may have to the foregoing claims;  
and
- B. Granting such other and further relief as the court deems just and equitable.

DATED this 22<sup>nd</sup> day of August, 2005.

/s/ David N. Kelley  
Peter W. Billings  
Gary E. Jubber  
David N. Kelley  
FABIAN & CLENDENIN  
A Professional Corporation